

**BEFORE THE  
MISSOURI ETHICS COMMISSION**

**Filed**  
**OCT 25 2016**  
Missouri Ethics  
Commission

MISSOURI ETHICS COMMISSION,	)	
	)	
Petitioner,	)	
	)	
v.	)	
	)	
JOEL E. BARBER C5 BUILDING AND	)	Case No. 16-0044-I
IMPROVEMENT BOND ISSUE,	)	
Campaign Committee	)	
	)	
and	)	
	)	
MELISSA ANGST, Treasurer	)	
	)	
Respondents.	)	

**JOINT STIPULATION OF FACTS, WAIVER OF HEARING  
BEFORE THE MISSOURI ETHICS COMMISSION, AND  
CONSENT ORDER WITH JOINT PROPOSED  
FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The undersigned parties jointly stipulate to the facts and consent to the action set forth below.

The undersigned Respondents, Joel E. Barber C5 Building and Improvement Bond Issue and Angst, acknowledge that they have received and reviewed a copy of the Complaint filed by the Petitioner in this case, and the parties submit to the jurisdiction of the Missouri Ethics Commission.

The undersigned Respondents further acknowledge that they are aware of the various rights and privileges afforded by law, including but not limited to: the right to appear and be represented by counsel; the right to have all allegations against Respondents be proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against Respondents; the right to present evidence on Respondents' behalf at the hearing;

and the right to a decision upon the record of the hearing. Being aware of these rights provided to Respondents by operation of law, the undersigned Respondents knowingly and voluntarily waive each and every one of these rights and freely enter into this Joint Stipulation of Facts, Waiver of Hearing before the Missouri Ethics Commission, and Consent Order with Joint Proposed Findings of Fact and Conclusions of Law, and agree to abide by the terms of this document.

### **I.**

Based upon the foregoing, the Petitioner and the undersigned Respondents jointly stipulate to the following and request that the Missouri Ethics Commission adopt as its own the Joint Proposed Findings of Fact and the Joint Proposed Conclusions of Law, as follows:

#### **JOINT PROPOSED FINDINGS OF FACT**

1. The Missouri Ethics Commission is an agency of the State of Missouri established pursuant to Section 105.955, RSMo, in part for the purpose of enforcing the provisions of Chapter 130, RSMo.
2. Respondent Joel E. Barber C5 Building and Improvement Bond Issue is a campaign committee formed to support Proposition 1, a ballot measure on the April 5, 2016 ballot in Laclede County, Missouri.
3. Pursuant to Sections 105.957 and 105.961, RSMo, the Commission's staff investigated a complaint filed with the Commission and reported the investigation findings to the Commission.
4. Based on the investigation report, the Commission determined that there were reasonable grounds to believe that violations of law occurred, and it therefore authorized a hearing in this matter pursuant to Section 105.961.3, RSMo.

## COUNT I

### *Failure to timely file a statement of committee organization*

5. On or about March 2, 2016, Respondents opened an official depository account and began accepting contributions.
6. Within twenty days, by March 22, 2016, Respondents had not filed a Statement of Committee Organization with the Laclede County Clerk.
7. Respondents filed a Statement of Committee Organization with the Laclede County Clerk's office on April 7, 2016, which was thirty-six (36) days after Respondents opened the committee's official depository account and two (2) days after the election.

## COUNT II

### *Failure to timely and accurately file campaign finance disclosure reports*

8. The 8 Day Before April 2016 election report was due on March 28, 2016.
9. Respondents filed an 8 Day Before April election report with the Laclede County Clerk's office on April 7, 2016, which was ten (10) days late.

## COUNT III

### *Failure to timely file accurate and complete reports of all contributions and expenditures*

10. Respondents were required to file the following reports at the following times:

Report	Reporting Period	Due Date	Date Filed
8 Day Before April Election	March 2–March 24, 2016	March 28, 2016	April 7, 2016
April 2016 Quarterly	March 25–31, 2016	April 15, 2016	April 7, 2016

11. Respondents' 8 Day Before April election report contained only a summary page, and not the detailed information required by Section 130.041.1, RSMo.
12. Respondents' 8 Day Before April election report, which was Respondents' first disclosure report, showed \$300 in money on hand at the beginning, which should have been zero.
13. Respondents' 8 Day Before April election report should have also reflected \$400 in contributions received from individuals giving \$100 or less, plus a \$15.53 in-kind contribution

received (in the form of a mailing list), for total contributions received during the reporting period of \$415.53.

14. Respondents' 8 Day Before April election report should have reflected an incurred expenditure of \$393.05 for signs, and reflected indebtedness of \$393.05 for that incurred expenditure.

15. Respondents' April Quarterly report, which Respondents identified as their termination report, should have reflected \$400 in money on hand at the beginning of the report, instead of \$300.

16. Respondents' April Quarterly report should have reflected contributions received of \$142.33, instead of \$242.33.

#### **COUNT IV**

##### *Incomplete "paid for by" disclosure*

17. Respondents published, circulated, and/or distributed yard signs, a true and accurate copy of which is attached hereto as Exhibit A, by displaying them in various locations in Laclede County, Missouri.

18. Respondent Joel E. Barber C5 Building and Improvement Bond Issue paid for the printed matter referred to in Exhibit A.

19. The printed matter referred to in Exhibit A related to a ballot measure in the April 2016 election.

20. The yard signs referred to in Exhibit A should have contained a clear and conspicuous statement: "Paid for by Joel E. Barber C5 Building and Improvement Bond Issue, Melissa Angst, Treasurer," but Respondents did not place the words "Melissa Angst, Treasurer," in a clear and conspicuous manner on the yard signs.

## JOINT PROPOSED CONCLUSIONS OF LAW

### COUNT I

#### *Failure to timely file a statement of committee organization*

21. Committees must file a statement of committee organization “within twenty days after the person or organization becomes a committee but no later than the date for filing the first report required pursuant to the provisions of section 130.046.” § 130.021.5, RSMo.

22. A campaign committee, as defined for the purposes of Chapter 130, RSMo, is “a committee, other than a candidate committee, which shall be formed by an individual or group of individuals to receive contributions or make expenditures and whose sole purpose is to support or oppose the qualification and passage of one or more particular ballot measures in an election.” § 130.011(8), RSMo

23. “[S]uch committee shall be formed no later than thirty days prior to the election for which the committee receives contributions or makes expenditures, and which shall terminate the later of either thirty days after the general election or upon the satisfaction of all committee debt after the general election, except that no committee retiring debt shall engage in any other activities in support of a measure for which the committee was formed.” § 130.011(8), RSMo.

24. The appropriate officer for a campaign committee for a local ballot measure is the county clerk. § 130.026.2(5), RSMo.

25. There is probable cause to believe that Respondents violated Section 130.021.5, RSMo, by failing to timely file a Statement of Committee Organization with the Laclede County Clerk’s office within twenty (20) days after opening an official depository account and beginning to accept contributions.

## COUNT II

### *Failure to timely and accurately file campaign finance disclosure reports*

26. "The disclosure reports required by Section 130.041, for all committee shall be filed at the following times and for the following periods:

- (1) Not later than the eighth day before an election for the period closing on the twelfth day before the election if the committee has made any contribution or expenditure either in support or opposition to any candidate or ballot measure;

§ 130.046.1, RSMo.

27. There is probable cause to believe that Respondents violated Section 130.046.1, RSMo, by failing to timely and accurately file an 8 Day Before April election report.

## COUNT III

### *Failure to timely file accurate and complete reports of all contributions and expenditures*

28. Committees are required to report the total amount of money, including cash on hand at the beginning of the reporting period, § 130.041.1(2), RSMo, and at the closing of the reporting period, § 130.041.1(5), and the total amount of indebtedness as of the closing date of the reporting period covered. § 130.041.1(6), RSMo.

29. Committees are required to report the following information for all receipts for the reporting period:

- (a) Total amount of all monetary contributions received which can be identified in the committee's records by name and address of each contributor....

...

- (d) Total dollar value of all in-kind contributions received;

§ 130.041.1(3), RSMo.

30. Committees are required to report the following information for all expenditures for the reporting period:

(a) The total dollar amount of expenditures made by check drawn on the committee's depository;

...

(d) The full name and mailing address of each person to whom an expenditure of money or any other thing of value in the amount of more than one hundred dollars has been made, contracted for or *incurred*, together with the date, amount and purpose of each expenditure. Expenditures of one hundred dollars or less may be grouped and listed by categories of expenditure showing the total dollar amount of expenditures in each category, except that the report shall contain an itemized listing of each payment made to campaign workers by name, address, date, amount and purpose of each payment and the aggregate amount paid to each such worker;

§ 130.041.1(4), RSMo. (emphasis added).

31. There is probable cause to believe that Respondents violated Section 130.041.1, RSMo, by failing to timely, accurately, and completely report money on hand, contributions received, and expenditures on their 8 Day Before April election and April Quarterly campaign finance disclosure reports.

**COUNT IV**  
*Incomplete "paid for by" disclosure*

32. "Any person publishing, circulating, or distributing any printed matter relative to any candidate for public office or any ballot measure shall on the face of the printed matter identify in a clear and conspicuous manner the person who paid for the printed matter with the words 'Paid for by' followed by the proper identification of the sponsor pursuant to this section." § 130.031.8, RSMo.

33. Printed matter "shall be defined to include any pamphlet, circular, handbill, sample ballot, advertisement, including advertisements in any newspaper or other periodical, sign, including signs for display on motor vehicles, or other imprinted or lettered material." § 130.031.8, RSMo.

34. "In regard to any printed matter paid for by a committee, it shall be sufficient identification to print the name of the committee as required to be registered by subsection 5 of section 130.021 and the name and title of the committee treasurer who was serving when the printed matter was paid for." § 130.031.8(2), RSMo.

35. There is probable cause to believe that Respondents violated Section 130.031.8, RSMo, by publishing, circulating and distributing yard signs relative to a ballot measure in the April 2016 election without including a complete "paid for by" disclosure in a clear and conspicuous manner.



## II.

Based on the foregoing, the parties hereto mutually agree and stipulate that the following shall constitute the order entered by the Missouri Ethics Commission in this matter. This order will be effective immediately upon the issuance of the Consent Order of the Missouri Ethics Commission without further action by any party:

1. The parties understand that the Petitioner will maintain this Joint Stipulation as an open and public record of the Missouri Ethics Commission.
2. The Commission shall issue its Consent Order in the form attached hereto as Exhibit 1.
  - a. Respondents shall comply with all relevant sections of Chapter 130, RSMo.
  - b. It is the Order of the Missouri Ethics Commission that a fee is imposed against Respondents in the amount of \$3,100, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$400 of that fee within forty-five (45) days after the date of the Order, the remainder of the fee will be stayed. The fee will be paid by check or money order made payable to the Missouri Ethics Commission.
  - c. Regardless of the stay in paragraph 2.b above, if Respondents commit any further violation of the campaign finance laws under Chapter 130, RSMo, within the two-year period from the date of this order, then Respondents will be required to pay the remainder of the fee. The fee will due immediately upon final adjudication finding that any Respondent has committed such a violation.
  - d. Respondents shall be jointly and severally liable for all fees imposed under this order.

3. The parties consent to the entry of record and approval of this Joint Stipulation and to the termination of any further proceedings before the Commission based upon the Complaint filed by the Petitioner in the above action.

4. Respondents, together with their heirs, successors, and assigns, do hereby waive, release, acquit and forever discharge the Missouri Ethics Commission and its attorneys of or from any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including but not limited to, a claim for attorney's fees whatsoever which Respondents or Respondents' attorney may now have or which they may hereafter have, which are based upon or arise out of the above cases.

SO AGREED:

RESPONDENT JOEL E. BARBER C5  
BUILDING AND IMPROVEMENT BOND  
ISSUE

PETITIONER MISSOURI ETHICS  
COMMISSION

By: Joel E. Barber C5 Building +  
Joel E. Barber C5 Building and Improvement Bond Issue  
Date

By: James Klahr 10/25/16  
James Klahr  
Executive Director  
Date

By: Melissa Angst 9/22/14  
Melissa Angst  
Treasurer  
Date

By: Elizabeth L. Ziegler 10/25/16  
Elizabeth L. Ziegler  
Attorney for Petitioner  
Date

# OWN PROGRESS FOR OUR CHILDREN and Community

PAID FOR BY JOEL E. BARBER C-5 BUILDING AND IMPROVEMENTS BOND ISSUE COMMITTEE



20V MAX

EXHIBIT

A

**Filed**  
**OCT 25 2016**  
Missouri Ethics  
Commission

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v.	)	
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JOEL E. BARBER C5 BUILDING AND	)	Case No. 16-0044-I
IMPROVEMENT BOND ISSUE	)	
	)	
AND	)	
	)	
MELISSA ANGST, TREASURER	)	
	)	
Respondents.	)	

**CONSENT ORDER**

The parties have filed a Joint Stipulation of Facts, Waiver of Hearing, and Proposed Consent Order with the Missouri Ethics Commission. Accordingly, the Missouri Ethics Commission accepts as true the facts stipulated and finds that Respondents Joel E. Barber C5 Building and Improvement Bond Issue and Melissa Angst violated Sections 130.021.5, 130.046.1, 130.041.1, and 130.031.8, RSMo.

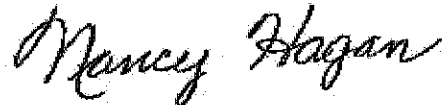
The Commission directs that the Joint Stipulation be adopted.

1. Respondents shall comply with all relevant sections of Chapter 130, RSMo.
2. It is the order of the Missouri Ethics Commission that a fee is imposed against Respondents in the amount of \$3,100 pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$400 of that fee within forty-five (45) days after the date of this Order, the remainder of the fee will be stayed, subject to the provisions below. The fee will be paid by check or money order made payable to and sent to the Missouri Ethics Commission.

3. Regardless of the stay in paragraph 2 above, if Respondents commit any further violations of the campaign finance laws pursuant to Chapter 130, RSMo, as amended, within the two-year period from the date of this order, then Respondents will be required to pay the remainder of the fee. The fee will be due immediately upon final adjudication finding that Respondents committed such a violation.
4. Respondents shall be jointly and severally liable for all fees imposed under this order.

SO ORDERED this 25th day of October, 2016

By:



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Nancy Hagan, Chair  
Missouri Ethics Commission